REMARKS

Entry of this amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending and stand rejected.

Claim 1-6, 8-16 and 18 have been amended.

Claims 10-12 stand rejected under 35 USC 101 because the claimed invention allegedly is directed to non-statutory subject matter.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the aforementioned claims have been amended to recite physical entities that include software which when loaded into processing system causes the processing system to execute the steps recited in claim 1. No new matter has been added. Support for the amendment may be found at least on page 7, lines 9-16, which state, "... where the software update is downloaded to the device via cable or satellite signals, the update may be distributed via a physical carrier. The physical carrier, like a CDROM is provided with the software update and the conversion module and optionally the conversion instruction."

Having amended the claims to recite physical embodiments of the invention, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 1-6 and 8-20 stand rejected under 35 USC 102(e) as allegedly being anticipated by Fujiwara (USP no. 6,301,710).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the claims have been amended to more clearly state receiving a conversion module and using the conversion module to convert portions of the configuration file to be compatible with the software update. No new matter has been added. Support for the amendment may be found at least on page 6, lines 12-14, which state in part, "[t]he loader

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first selects a specific part of the of the software update stream that is a conversion module and loads this part into the working memory."

Fujiwara discloses a system and method for creating a substitute registry when automatically installing an update program. Fujiwara discloses that "[d]ownload modules on the computer systems automatically access and download update programs from the distributed network. Install modules then automatically create unique substitute registries that correspond to the downloaded update programs." (see Abstract). Fujiwara further discloses that "[t]he install module next reads an information file attached to the update program and responsively updates client computer configuration files to reflect new parameters and requirements corresponding to the update program." (see col. 2, line 65-col. 3, line 1 and Figure 7).

However, Fujiwara fails to disclose providing a conversion module and converting selected portions of the configuration files to a form compatible with the software update. Rather Fujiwara discloses providing an information file that provides information for updating the configuration file, even if a substitute registry is necessary. (see col. 8, lines 20-37, which state "[r]eferring now to Fig. 7, ... download file 420 includes ... an information file and one or more update programs. Information file 510 preferably contains selected information that relates to client-server system 160. For example, information file 510 may contain information related to the configuration and functionality of either client 120 or update program 520. Information file 510 also preferably includes registry information to allow install module to create a substitute registry to advantageously avoid a software conflict."). Hence, the information file of Fujiwara does an update of the configuration files to allow for compatibility of the software update and fails to teach a conversion process operating on portions of the existing configuration file to be compatible with the software update as is recited in the claims.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

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Fujiwara cannot be said to anticipate the present invention, because Fujiwara fails to disclose each and every element recited.

At least for this reason, applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the amendments made to these claims, which are similar to the amendments made to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Accordingly, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Although the last Office Action was made final, this amendment should be entered. No new matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Paul Im
Registration No. 50,418

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By: Steve Cho
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Paul Im, Registration No. 50,418
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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